



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



March 1, 2004

CERTIFIED MAIL
7000 1670 0000 0585 9022
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 04-02

DTE Motorsports
191 Crawley Falls Road
Brentwood, New Hampshire 03833

Attn: Mr. David Twitchell, President

Re: DTE Motorsports
Brentwood, New Hampshire
EPA ID # NHD510173891

Dear Mr. Twitchell

On January 12, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of DTE Motorsports ("DTE"). The purpose of the inspection was to determine DTE's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been conducted on the "spent oxide dip," "spent iron etch," "spent sandblast grit," and the "waste paint thinner."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that DTE conduct hazardous waste determinations for the following:

- (a) "Spent oxide dip" generated from treating metals with an oxide solution to prevent rusting;

- (b) "Spent iron etch" generated during metal etching operations to prepare surfaces for painting;
- (c) "Spent sand blast grit" generated from the sandblasting of metal parts; and
- (d) "Waste paint thinner" generated during spray painting operations.

Hazardous waste determinations may be demonstrated by analyzing representative samples of each waste stream identified above. The laboratory analyses should include, at a minimum, those identified below for each waste stream:

For the spent oxide dip and spent iron etch, laboratory analysis should include Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals under Env-Wm 403.06, and laboratory analysis for the characteristic of corrosivity using methods described in Env-Wm 403.04.

The determination for the spent sand blast grit should include TCLP for RCRA metals.

The determination for the waste paint thinner should include TCLP for organics under Env-Wm 403.06, and ignitability under Env-Wm 403.03.

DTE Motorsports will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as MSDSs, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

Please also be advised that waste determinations may also be demonstrated using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

2. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 275-gallon aboveground storage tank ("AST") and one (1) "Roughneck" container of used oil destined for recycling were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that DTE label the tank and container of used oil with the words "Used Oil for Recycle" at all times during accumulation and storage.

In a submittal dated January 16, 2004, Mr. Carter Whitman stated that the used oil AST and container have been labeled with the words "Used Oil for Recycle." No further action is required.

3 Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 275-gallon AST of used oil destined for recycling was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requested that the tank be kept closed at all times except to add or remove used oil

In the January 16, 2004 submittal, Mr. Whitman stated that the used oil AST has been closed. No further action is required.

4. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) 55-gallon container of universal waste antifreeze was not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that DTE ensure that containers of universal waste antifreeze are closed, except when universal waste is being added to or removed from the container.

In the January 16, 2004 submittal, Mr. Whitman stated that the container of universal waste antifreeze has been closed. No further action is required.

5. Env-Wm 1102.03(c) - Universal Waste Antifreeze

At the time of the inspection, the one (1) container of universal waste antifreeze was not marked with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

Env-Wm 1102.03(c), which references Env-Wm 1114.04, requires universal waste handlers to ensure all container(s) holding universal waste antifreeze to be clearly labeled or marked with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

DES requested that DTE clearly label all containers of universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

In the January 16, 2004 submittal, Mr. Whitman stated that the container of universal waste antifreeze has been labeled properly. No further action is required.

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by DTE Motorsports can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against DTE Motorsports including issuing an order requiring that deficiencies be corrected, initiating administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your

operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector Eric Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Carter Whitman, DTE Motorsports

E-mail: JJD/SD/SN/PM

Enclosure: Hazardous Waste Generator Inspection Report